

original
Court
Copy

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE Northern DISTRICT OF TEXAS
Dallas DIVISION

Phillip B. Ashdown #48934
Plaintiff's Name and ID Number

Denton County Jail
Place of Confinement

319 - CV 0106 - B
CASE NO.

(Clerk will assign the number)

DEPUTY CLERK
2019 JAN 14 PM 12:19
NORTHERN DIST. OF TX
FILED

v. Denton County, D.C.S.O., D.C.CH+

127 N. Woodrow Ln
Denton, TX 76205
Defendant's Name and Address

Denton County Jail D.C.S.O.
127 N. Woodrow Ln Denton TX 76205
Defendant's Name and Address

Sheriff Tracy Murphy D.C.S.O.
Defendant's Name and Address

(DO NOT USE "ET AL.") See cont pages 3, 3(A) & 3(B)

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.

2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.

3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)

4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ✓ YES NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 2011
2. Parties to previous lawsuit:
 Plaintiff(s) Phillip B. Ashdown
 Defendant(s) Prison Health Svcs et. al
3. Court: (If federal, name the district; if state, name the county.) Northern dist of Nevada
4. Cause number: 3:11-CV-00832
5. Name of judge to whom case was assigned: Judge Larry Hicks
6. Disposition: (Was the case dismissed, appealed, still pending?) Settled out of court
7. Approximate date of disposition: 2014-2015

II. PLACE OF PRESENT CONFINEMENT: Denton County Jail 127 N. Woodrow Ln Denton, TX 76205

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

(See exhibits #15 & 2)

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff:

Phillip B. Ashdown # 48934
Denton County Jail (Pod #11) 127 N. Woodrow Ln
Denton, TX 76205

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

① Defendant #1: Denton County, Texas (County Managers)

Ignored my requests for help over assault on me by Jail Staff

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

& Established & implemented policies & procedures at D.C.S.O. that Violated my 8th & 14th amendment constitutional rights

② Defendant #2: Denton County Jail 127 N. Woodrow Ln
Denton, TX 76205

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Allowed its officers to assault me in a wheelchair by implementing unconstitutional procedures & policies

③ Defendant #3: Denton County D. H. Paul Johnson

Violated my 8th & 14th constitutional rights by obstructing justice & failing to render aid when crimes were done against me.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Refused to aid in upholding my 14th amendment rights

④ Defendant #4: Denton County Correctional Health

(Jail Medical dept) 127 N. Woodrow Ln Denton, TX 76205

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Violated my 8th and 14th amendment rights by deliberately indifference in multiple ways causing permanent injury to me.

⑤ Defendant #5: Sheriff Tracy W. Wofford - Sheriff

127 N. Woodrow Ln Denton, TX 76205

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

failed to respond and render aid to my pleas for due process and equal protection in violation to my 14th amendment rights & refused to stop the abuses I was continually being subjected to by his D.C.S.O. staff & his D.C.C.H. medical departments deliberate indifference resulting in violations of my rights & permanent physical injury because of his failure to act & obstruction of justice

③

Parties to this suit Contd

- ⑥ Defendant #6: Chief Deputy Lawler violated my 8th & 14th amendment rights by obstructing justice in his failure to provide equal protection to me for me to have a formal Police report filed against the 4 DSO officers who assaulted me so I could present it to the D.A. for Grand Jury prosecution by ^{allowing deliberate} indifference.
- ⑦ Defendant #7: D.O. LT. Alambaz refused also to allow me to have a patrol officer to come in off the streets & file a report for me in violation of my 8th & 14th amendment rights (obstruction) and refused to provide me with names of all parties who assaulted me & video footage.
- ⑧ Defendant #8: D.O. Ethan Keith (D.O.) violated my 8th & 14th amendment rights by assaulting me via use of excessive force by ripping me out of my wheelchair splitting my face open & rupturing my eardrum resulting in permanent physical injury.
- ⑨ Defendant #9: D.O. Lotherwald (D.O.) also assaulted me via excessive force, failed also to stop the assault by his fellow officer resulting in violations of my 8th & 14th rights resulting in permanent physical injury, Criminal negligence causing harm.
- ⑩ Defendant #10: D.O. Niksitz (Cpl) violated my 8th & 14th Amendment rights by failing to stop the assault against me while in control of the D.O.'s that came in and used excessive force upon me resulting in Permanent physical injury to my jaw, face, and right ear (Ruptured eardrum)

Parties to this suit Cont'd

- ⑪ Defendant #11: D.O. Curley (Jane?) Failed to stop the excessive force attack upon me as she filmed my cell and denied me medical aid at medical in violation of my 8th & 14th amendment rights & was also responsible for the assault against me ^{causing} physical injury.
- ⑫ Defendant #12: Nurse Jane Doe violated my 8th & 14th amendment rights by refusing me the urgent emergency medical care & needed of stitches in my chin & medical care for my ruptured ear drum resulting in permanent hearing loss & jaw injury.
- ⑬ Defendant #13: D.C.C.H. Director Matt Richman Failed to respond to my grievances or render aid in my pleas for medical help due to the deliberate indifference to my serious medical needs by his staff resulting in my continual Wanton Pain & suffering.
- ⑭ Defendant #14: D.C.C.H. Chief Medical officer Mr. Sanders, Failed to stop the 8th & 14th amendment violations by his doctors & staff of continual deliberate indifference, denied allowing me to see him, implemented policies & procedures that resulted in unnecessary & wanton infliction of pain & suffering due to his failure to act.
- ⑮ Defendant #15: John Kissinger (Captain of Medical) Violated my 8th & 14th amendment rights to be free from deliberate indifference to my serious medical needs by failing to provide proper & effective care for me for the injuries his fellow D.C.C.H. Cops inflicted on me & implemented & enforced policies & procedures that

isolated my rights to defense, pain & suffering because of ~~continuous~~ denial of proper care and proper previously prescribed medication for my chronic severe neurological disability by Tattler to act

- (16) Defendant #16: Dr. Marty Buchanan has violated my 8th & 14th rights by failing to properly care for me, denies me my necessary proper Medications and refuses (w/John Kissinger) to provide me with help to fix wheelchair problems on my personal Chair, denies me Medication refills for long periods of time, refuses to aid me resulting in permanent physical injury
- (17) Defendant #17: Nurse Edgar constantly violated my 8th & 14th Amendment rights by being deliberately indifferent to my serious medical needs by interfering w/ my obtaining of necessary medications, caused my prosthetic tube to be broken resulting in my inability to walk resulting in severe atrophy & muscular damage & injury.
- (18) Defendant #18: Sgt Sourley - Improperly handled w/ excessive force my stump tube causing severe damage to it & stole my Black leg brace w/ metal bars in them by failing to follow his required policies and procedures resulting in damage to my tubes & ^{removes my feet for} ~~the 8th & 14th Amendment rights~~
- (19) Defendant #19: L.O. Bogert (Cpl) failed to also follow his proper rules & regulations resulting in the breaking of my stump tube in violation of my 8th & 14th Amendment rights causing permanent injury physically due to severe atrophy to my muscles for ^{inability} ~~to walk~~
- (20) Defendant #20: Denton County Administration violation to my 8th & 14th Amendment rights by implementing & practicing unconstitutional policies & procedures, failing to act or render aid via their corrupt & broken & ineffective grievance system, failing to properly train their officers, supervise them, prevent negligence

and helped to hinder & prevent a real investigation to be done to expose the excessive force illegal & abuse assault against me and denied me the 14th amendment rights to proper due process and equal protection by refusing to Cross & file charges against his corrupt detention officers that clearly broke his own rules & regulations and implemented & practiced unconstitutional policies that violated my equal protection rights.

(27) Defendant #27: Sergeant Coats violated my 8th & 14th amendment rights by failing to act and properly afford me equal protection and have a police report taken and filed for me for the assault against me by his Detention officers and denied me my 8th & 14th amendment rights by refusing to "Cross file" charges on the officers that assaulted me and violated my rights by obstructing justice sought by a victim (a disabled pre-trial detainee in a wheelchair) in violation of 1st, 4th, 5th, 8th & 14th amendments.

(28) Defendant #28 Texas Ranger Clair Barnes violated my 8th, 1st, 4th, 5th and 14th amendment rights by aiding in obstruction of justice along with Chief Cover, Sheriff Tracy Murphy, LT. Michael Tuth, Chief Deputy

Dwayne Dockery, Sgt Costa, Sgt Yourley, and the D.C.S.O. Investigations dept in the cover up and prevention of filing an official police report to present to a grand jury & the D.A.'s office for the formal prosecution of the 4 officers that illegally and unjustifiably assaulted me (a newly amputated disabled pre-trial detainee) by way of unnecessary & unwarranted excessive and abusive force. He also has failed to act to help me obtain the necessary video footage of said incident on 3/2/18 in conspiracy to cover up said crime w/ Chief Caver & Chief Dockery & Tracy Murphy.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

This 42 U.S.C.A. § 1983 civil rights Lawsuit is being filed against defendants (#1 - 28 (See pages 3-3F)) for continuing violations of civil rights, under amendments 1st, 4th, 5th, 8th, and 14th for unlawful excessive force assault upon a disabled, newly amputated, pre-trial detainee by unwarranted and unnecessary use of excessive force resulting in permanent physical injury, continued acts (cont'd on 4A) 4B)

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

① seek relief of \$4,000,000.00 for the permanent physical injuries I have (cont'd 4(B))

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Phillip B. Ashdown, Phillip bryon ashdown

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

SID#06780499 FBI#852992VA5

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☐ NO ☒

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? N/A YES ☐ NO ☐

Statement of Claim Cont'd V

③ of failure to render help to stop abuses, obstruction of justice, failure to uphold my 1st, 3rd, 4th & 14th, & 5th amendment rights to equal protection & due process & evidence obtainment, ④ conspiracy to cover up an assault upon an inmate, ⑤ denial of necessary emergency medical care needed because of the illegal assault upon me by D.C.S.O. staff, denial of proper medical care, ⑥ medical negligence, deliberate indifference to my serious medical needs, denial of proper previously prescribed medications to control severe spastic shaking due to my chronic neurological disability, failure to act to stop deliberate indifference resulting in the unnecessary & wanton infliction of pain & suffering in violation of my 3rd & 14th amendment rights, ⑦ theft and destruction of my personal (medically necessary), medical property of stump tubes & black Velcro leg braces, ⑧ refusal to stop interfering in proper & necessary distribution of prescribed medication, ⑨ denial of proper and unimpeded access to the courts and mail, ⑩ denial of requested video evidence, ⑪ denial of allowance to receive information on defendants, ⑫ refusal to uphold my 14th amendment rights to equal protection to have a formal police report filed and presented to a grand jury for indictment and full

4(A)

prosecution of the 4 officers who unlawfully and unconstitutionally assaulted me (a disabled pre-trial detainee amputee). (13) Refusal to replace the personal property of mine they broke and stole from me in clear violation of their own rules, regulations, policies and procedures. (14) Failure of them to provide me with outside necessary medical care needed due to 50% loss of my hearing due to the deliberate indifference to my serious medical needs, (15) criminal negligence resulting in the permanent physical injury to my face, jaw, ears, residual limbs, hands, back. (16) Failure to prevent hinderances in my grievance processes (17) failure of medical assistance to maintain my wheelchair (18) denial of my proper ability to finish the grievance procedures on all levels because of violating their own rules and regulations. (19) illegal administrative fraud upon my inmate money act by charging me for medications and care I am not receiving (20) obstruction of my ability to have federal authorities to come help me. (21) Obstruction of justice (22) denial of necessary medications (23) Refusal of needed assistance in obtaining prosthetic assistance & access. in violation of my (413) 8th & 14th amendment rights

Relief VI Contd'
 suffered due to the unlawful and un-
 constitutional abusive assault on me as
 well as for the mental anguish and psycho-
 logical injuries I now continue to suffer
 due to said assault on me. I request the
 courts intervention to assist me in the obta-
 inment of justice by the formal charges
 of assault being filed upon the 4 officers
 responsible for the excessive force upon
 me resulting in assault by criminal neglig-
 ence and the formal prosecution and indict-
 ment for said crime and ③ I request \$20,000.00
 in punitive and compensatory damages from
 each defendant in individual capacity (and
 official capacity) for the violations of my
 constitutional rights by them because of
 criminal acts, negligence, deliberate intol-
 erance, medical negligence, official oppression,
 failure to act, denial of proper care & treatment,
 administrative fraud, denial of due process &
 equal protection, and obstruction of justice ④
 I also seek injunctive relief of federal interven-
 tion by Dept of Justice full investigation &
 oversight of the unlawful practices & pro-
 cedures, policies and abusive treatment of
 Denton County Jail pre-trial detainees & in-
 mates to prevent any further harm to me,
 (C)

Relief VI Cont'd

⑤ I request T. F. O. assistance and order for immediate issuance of all my proper necessary previously prescribed Neurological medications
⑥ I request immediate replacement of the stump tubes they broke off mine
⑦ I request the immediate replacement of the black Velcro leg braces w/ bars in them they stole from me to prevent knee pull back
⑧ I request all the reversal of medical charges placed on me by administrative fraud
⑨ I request immediate T. F. O. help in getting the proper outside medical care and help for my hearing loss caused by the unlawful assault on me by D.C.S.O. staff defendants and
⑩ I request the Federal Marshalls to be sent here to prosecute & arrest all ranking officials that have worked in conspiracy to obstruct, allow, cover-up, and hinder this plea of mine to obtain justice for the abusive illegal assault upon me as a disabled pre-trial detainee & charge them all accordingly with Criminal Charges.
Thank you.

C. Has any court ever warned or notified you that sanctions could be imposed? N/A YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date warning was issued: N/A

Executed on:

DATE

1/4/19

Phillip B. Ashdown

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this

Fourth
(Day)

day of

January
(month)

, 20

19
(year)

Phillip B. Ashdown

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Exhibit #1

* D.C.S.O. *
Final
Grievance
Answers.

- A) Resolved
B) Hindered
C) abandoned
D) Denied by Admin Fraud
- 1st & 8th
& 14th
Violations

Exhibit #1

9

If an inmate feels that his or her complaint has not been satisfactorily resolved through informal means, the inmate should submit a written statement of the complaint to the Grievance Officer through the electronic grievance system... If there is a matter that needs to be addressed on an emergency basis, write "emergency" at the top of the content of the grievance. You may also contact the Shift Supervisor immediately. It will be directed to the Jail Administrator. The Jail Administrator shall have sole discretion in determining whether the matter needs to be addressed as an emergency. All requests will be reviewed. There will be no reprisals taken against any inmate for the filing of a grievance.

Grievances and Appeals must be clearly stated and in writing. The grievance should include the specific dates, times, names of those involved and the detailed specific allegations (who, what, when, where, why, and how).

There can only be **ONE ISSUE** per grievance filed. If the grievance does not meet the above criteria of a grievance, or does not contain the specific information of the grievance, or contains more than one grievance, it will be closed administratively.

A grievance is considered exhausted when an inmate timely files appeal at every level.

GENERAL GRIEVANCES

All General grievances will be referred to the inmate Jail Grievance Board. The Jail Grievance Board will determine whether the grievance meets the criteria of a grievance.

1st Level

The Jail Grievance Board will, within 15 days of receipt of the grievance, notify the inmate in writing of: the action taken, the reason for the particular action, what, if any, time limits apply to the action, what, if anything, needs to be done by the grieving inmate, or provide an interim response that the matter is being looked into.

If you are not satisfied with the decision of the Grievance Board, you have 3 days in which to appeal (in writing via the electronic grievance system) to the Jail Administrator (Assistant Chief Deputy). To do so you will need to:

2nd Level

1. Submit a written statement electronically on the kiosks in the appeal section, requesting appellate review of the decision together with a reference to the initial grievance dates, times and information.
2. Indicate the specific reasons the inmate believes the decision of the Grievance Board should be reversed, giving specific dates, times, names of those involved, and specific allegations.

The Assistant Chief Deputy will review the grievance and either confirm or deny it. If the Assistant Chief Deputy confirms the grievance, he/she will initiate corrective actions. In either case, the inmate shall receive a written response to the appeal. The written response will be given within 15 days of the initial written appeal.

If you are not satisfied with the decision of the Jail Administrator, you have 3 days in which to appeal (in writing) to the Chief Deputy. The Chief Deputy will review the grievance and either confirm or deny it. If the Chief Deputy confirms the grievance, he/she will initiate corrective actions. In either case, the inmate shall receive a written response to the appeal. The written response will be given within 20 days of the second written appeal.

3rd Level

The decision of the Chief Deputy is final in General Grievances.

In all cases the final response will be given within 60 days

2nd
3rd level filed

TD. Chief Caver *Back good Bas inmate Handbook page #11*

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

✓ it out!!

Name *Philly Ashdown*

SO #

48934

Location

Pod #11

Date Submitted

*11/28/18**18G-1884*

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a "Grievance Envelope", seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

There is too a 3rd level grievance. Check your pg #11 of the inmate handbook STR. And your "Information Source" that says D.C.S.O. was involved \$75.05 for 3mp knee immobilizers (BLACK Velcro Knee/leg braces w/ metal bars in them) IS A FLAT OUT LIE. THOSE MISSING/STOLEN/LOST knee immobilizers w/ the metal bars in them were billed TO ME in January at Presbyterian Hospital before I EVER LEFT THE HOSPITAL. I then was sent to SELECT REHABILITATION HOSPITAL on 2/16/18 where I was given ② MY STUMP TUBES by Katie of alliance orthopedic & orthotics CO. LLC - So your D.C.S.O. Wasn't involved for those either. Whoever is telling you these

Inmate Signature

P. Ashdown

Page

1 of 1

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Inmate Ashdown, Asst. Chief Deputy Caver has already answered your appeal appropriately based on the information we have obtained. Your appeal is denied and is administratively closed.

Chief Deputy Dewayne Dockery 11-29-2018 12:51pm

DENIED

Exhausted!!!

3rd level grievance for theft of my ~~BLACK~~
 Velcro leg Braces w/ Bars in them

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Not my white PLASTIC stump tubes

Name Phillip Ashdown SO # 48934
 Location Pod # 11 Date Submitted 11/21/18 186-1884

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a "Grievance Envelope", seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

Presbyterian Hospital in Denton on I-35 & Scripture St. The staff there added it to my hospital bill and you either (1) Tell you what they costed me or (2) get you another pair to bring to ME. I need those replaced because my knee muscles are already pulling back & I need them to keep my muscles from sticking that way so I can properly stand up straight when I do get my prosthetics.

Your staff caused the loss of my BLACK, 3 Velcro strapped, neoprene leg & knee braces and you had to quit trying to get out of it" & MAN!! and just get them replaced. It's not difficult!! Call Presbyterian Hospital & get me another pair.

Inmate Signature [Signature] Page 5 of 5

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

"I do suggest you replace them or get paid for Theft"

Inmate Ashdown, first of all, there is no 3rd level grievance with the DCSO. In summary, we have no knowledge of the location of your knee immobilizers that you were issued. They were invoiced to us at \$75.65, not to you. Mr. Sheppard asserts they were a temporary bridge and their usefulness was superseded once you were provided with the Flo-Tech devices. Furthermore, the Flo-Tech devices are no longer necessary, according to Mr. Sheppard, and they were never intended to be ambulated in, and you have been instructed of this by Mr. Sheppard, John Kissinger and Dr. Buchanan). By your own admission, you continue to walk in the Flo-Tech tubes, which causes damage to them as a result. According to Mr. Sheppard, he has been in adequate communication with you. Mr. Sheppard has not been informed you have been awarded any grant for prosthetics. Mr. Sheppard also reports he sees no medical need to follow-up with you presently. Mr. Sheppard is willing to fit you for prosthetics if a grant were to be awarded. This issue is closed administratively.

FALSE

False your staff Broke them

Asst. Chief Deputy Barry Caver 11-28-2018 3:14pm

(12)

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Philly Ashdown SO # 48934
 Location Pod # 11 Date Submitted 11/10/18 186-2087

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a "Grievance Envelope", seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

My 1st 2 levels of this grievance were done on the visitation kiosk, but your crooked electronic system is blocking me from a 3rd level appeal, so I am done using your unlawful electronic system to request relief. You are in violation of my 14th amendment rights to due process & equal protection and my 8th amendment right to be free of unlawful acts & abuse. Your officer was not "trying to help me" in anyway so your 2nd level appeal answer to this grievance is completely ludicrous and unacceptable 2nd level actions of giving me an 11 hour bunk restriction for something. ASH'DN that MANY OTHER INMATES did but

Inmate Signature P. Ashd Page 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

As per the Inmate Handbook, here is no 3rd level grievance. This is administratively closed.

Asst. Chief Deputy Barry Caver 11-14-2018 10:31am

FALSE

SEE Page 11 of 23 in Inmate Handbook.

2nd level Denial of access to courts / Law library
Complaint forms.

DENTON COUNTY DETENTION FACILITY

TO: Jail Administrator INMATE GRIEVANCE FORM *1st amendment Violation*

Name Phillip Ashdown SO # 48934
 Location Pod #11 Date Submitted 10/26/18 18G-2073

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records. *1st staff*

your first level grievance answer is wrong and is a blatant continual violation of my 1st amendment rights & 14th amendment rights to due process and unimpeded proper access to the courts and proper readily available law library standards of access to legal forms / grievance forms in direct violation of Federal laws. Your law library is supposed to have readily available to us (any) legal form we may need when acting in P.H.O. - S.A. - a 42 U.S.C. § 1983 Complaint form. Is a federal Grievance form. I should not just as Mr. Herndon also pointed out to you, have to "file a grievance" just to be able to get a grievance form. That your

Inmate Signature P. Ashdown

Page 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

This issue has been resolved. The forms have been located and printed out for you. The Form for the inmate trust will have to be done through the Comptroller.

10/29/18 Sgt. Cordell

RECORDED

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Philip Ashdown SO # 48934
 Location Pod # 21 Date Submitted 10/24/18 ^{18G-141818G} _{18G-2013}

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

This is not fair for you to not allow the Sheriff to hear my 4th Level. When I filed my original grievance there was a 4th Level Sheriff level for resolution & your denying me my due process and obstructing justice by not telling Mr. Murphy know what your staff has done move my grievance to him.

Inmate Signature P. Ashdown Page 1 of 1

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

NO Answer ever given

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Phillip Ashdown SO # 48934
 Location Pod # 11 Date Submitted 10/6/18 186-1884

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

During my intake on 2/28/18 I was wearing my black velcro leg/knee braces with the bars in them because w/out them my legs pull back which cause me to possibly not be able to walk in my prosthetics properly so I have to have them for occasional use to train my muscles & tendons. I have had these braces on my person since I have been here in main jail medical pre-trial medical #A, S-1-E Pod #11. I came into Pod # 11 on 6/19/18 and after putting all my papers & stuff in my locker and my "stump tubes" next to my locker I had no room in my locker for my black velcro leg braces and was not allowed to put them and the leftover urination container next to my locker. I was told to have them put into my property and to notify property on the kiosk which I did on 6/19/18. The day I arrived in Pod #11. On 6/20/18 I was

Inmate Signature P. Ashd Page 1 of 1

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Never answered
By Medical or
D.C.S.O. Staff

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Philly Ashdown SO # 48934
 Location Pod #11 Date Submitted 10/6/18 186-1884

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

pair through Allience orthotics and prosthetics company who I and John Kissinger work with in regards to my prosthetic core while here in your jail.

It is not my doing that has caused this loss of my prosthetic leg braces w/ the bars in them. No what is right, down up to your mistakes and obtain replacements for my missing property so my legs stop pulling backwards which is going to result in permanent harm to me soon. You lost my stuff now replace it.

It's not my fault you don't keep video footage records (which you claim are gone in 7-30 days). This could have been avoided if Sgt. Hurrely would have done his job.

Inmate Signature P. Ashdown Page 5 of 5

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Inmate Ashdown, I have instructed my staff to search for your black leg braces. To this point in time, nobody can locate them or have any idea where they are. I have checked with John Kissinger in Medical and he states their records indicate the braces were no longer usable and should not have been used in the manner in which you were using them by walking on them. Nobody has stolen them from you. In research of your medical records, the doctor that first prescribed the braces as a temporary aide to be used for the first couple of weeks after your amputation. The doctors do not suggest they are needed or should be replaced. Your appeal is denied.

Asst Chief Barry Caver 10-09-2018 10:19am

156-1884

10/06/18

Sworn affidavit

This is the sworn affidavit of

Nathan Ellington

#

173763

and

I hereby verify that I was here in Pod #11 when Phillip Ashdown came into this pod/or was here with him while he was in Pod #11 and seen that he had both @ his Prosthetic tubes and @ his black foam and Velcro leg braces with the metal bars in them that kept his legs straight.

He had no room in his locker for them and property would not hold them for him so he had to put them in a clear trash bag with his name on it along with a urination container and store them in the Pod #11 medical room 6/19/18 - 6/20/18 to 7-17-18.

This is where they were until he was removed from Pod #11 on 7-17-18.

Nathan Ellington 173763

10/06/18

(18)

10/06/18

Sworn Affidavit

This is the sworn affidavit of
Jose Martinez Salazar # 211552, and
I hereby verify that I was here in
Pod # 11 when Phillip Ashdown came
into this Pod with Both ① his prosthetic
tubes and ② his black foam and
Velcro leg braces with the metal
bars in them that kept his legs
straight.

He had no room in his locker for
them and property would not hold
them for him so he had to put them
in a clear trash bag with his name
on it along with a urination
container and store them in the
Pod # 11 medical room. 6/19/18-6/20/18

This is where they sat until he
was removed from pod # 11 on 7-17-18.

Jose Martinez

10/06/18

186-1884

10/06/18

Sworn Affidavit

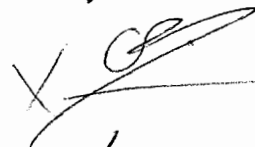
This is the Sworn affidavit of:

Cris Shawn Barrett #206818

and I
 hereby verify that I was in
 Pod # 11 when Phillip Ashdown
 came into this pod with both
 his prosthetic tubes and ② his
 black foam and Velcro leg
 braces with the metal bars in
 them that kept his legs straight.

He had no room in his locker
 for them and property would not
 hold them for him so he had to
 put them in a clear trash bag 6/19/18
 with his name on it along with
 a urination container and store
 them in the Pod # 11 medical room.

This is where they sat until he
 was removed from pod # 11 on 7-17-18.



10/06/18

186-1884

10/6/18

Sworn Affidavit

This is the sworn affidavit of
 Santiago Sepulveda ^{Pinon} # 212515

and I hereby verify that I was here in Pod #11 on 6/18/18 when Phillip Ashdown came into this pod with both ① his prosthetic tubes and ② his black foam and velcro leg braces with the metal bars in them that kept his legs straight.

He had no room in his locker for them and property would not hold them for him so he had to put them in a clear trash bag with his name on it along with a urination container and store them in the

Pod #11 medical room 6/19/18-6/20/18.

This is where they sat until he was removed from pod #11 on 7-17-18

Santiago Sepulveda-Pinon

10/06/18

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Philly Ashdown SO # 48934

Location Pod # 1 Date Submitted 7-26-18 18G-1418

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

Will you want to continue to violate my pre-trial detainee rights by (1) using way too much excessive force on me resulting in permanent physical injury to a disabled person then (2) obstructing justice for me by refusing to allow me to have a police report filed against the D.O.s that assaulted me and threatening me, my rights guaranteed to me by the 14th and 8th amendments to the Texas Constitution and more importantly, the Federal U.S. Constitution. I will move forward with my Federal 4245 C. § 1983 lawsuit and request from the Department of Justice, The mayor, The News stations, my local state representative, The Attorney General & the D.A. to turn this jail upside down, inside & out to show all its corruption and abuse.

Inmate Signature T. Ashd

Page 1 of 1

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

No answer ever given

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Phillip Ashdown SO # 45934Location Pod # 1 Date Submitted 7/20/18 186-1431

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

My rights to walk around the day room due to medical refusing to let me have shoes on my tubes and taking them away which is resulting in my tubes still being torn up as a violation of my constitutionally protected right to travel safely. Until I asked for a pair of shoes no one had a problem with me walking in my tubes, in fact our D.O's encouraged it. I have a God Given right to fight for my ability to walk again and by taking my shoes, denying me shoes, breaking my stump tubes, and denying me the same right to walk around the day room (as in Pod # 11) like other people just because I have to do it behind my wheelchair is not legal. My 1st Amendment.

Inmate Signature P. Ashdown Page 1 Of 1

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

1st level The grievance board member assigned to ~~first~~ your housing area indicates that medical stated you are not allowed to walk on the tubes 7/18/18 Sgt Cordell.

2nd level response
Never Answered abandoned
By Medical & DCSO

7-22-18

2:10 p.m.

Corporal A. Martin, (after coming to see me earlier and discussing my grievance with me) came and had photographic evidence taken showing my prosthetic tubes and how they were broken by D.C.S.O. staff on 7-17-18 in Unit #11 by D.O. Boggs and Sgt. Gourley due to reckless mishandling of them due to failing to follow their own policies and procedures resulting in their loss of their qualified immunity pursuant to the laws of color of authority

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Phillip Ashdown SO # 48934Location Pod # 1 Date Submitted 7-18-18

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. **Fold neatly** and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

My constitutional rights are being violated concerning my right to have due process and equal protection of evidentiary securement that I am to be guaranteed pursuant to the 14th and 5th Amendment of the U.S. and Texas Constitution.

My prosthetic stump tubes were mishandled and broken by the D.C.S. staff members of D.C. pods and Sgt Gaurley and it resulted in one being broken clean in half. I followed your policies and procedures by trying to notify Rank and am continually told by Sgt Gaurley, Corporal Lay and now Corporal Shultz.

Inmate Signature L. AshdownPage 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

*Resolved
Photos taken by
Cpl Martin in Pod #1
on 7/22/18.*

*11/15/18 as per Sgt Martin
Photos to be subpoenaed
by Lt. Ahrens
for court.*

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Phillip Ashdown SO # 48934
 Location Pod # 11 Date Submitted 7-18-18 ?

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

EVERY Morning others walk around the day room and multi-purpose rooms in circles waiting for the yard to open and NO one ever says anything to them, but when I put my tubes on and try to walk all of a sudden its EXERCISE and am told to wait until the yard opens or go outside. I am still waiting for property to receive the orders from medical for blue & ship on shoes I can put on the bottoms of my tubes so when I'm walking on the yard my tubes don't get all tore up on bottom by the concrete. But medical has done nothing to make that happen and its been a week & 1/2. I have to

Inmate Signature P. Ashdown Page 1 Of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Never
 Answered
 Abandoned by
 Medical & DCSO

Exhibit #2

D.C.C.H.

Denton County Correctional Health

Final

Grievance

Answers

A) resolved

B) Hindered

C) abandoned

D) denied by admin fraud.

1st, 3rd, &
14th

Violations

Exhibit #2

MEDICAL GRIEVANCES

All Jail Medical Grievances will be referred to the Jail Health Department Staff grievance board. The Jail Health Department Staff Grievance Board will determine whether the grievance meets the criteria of a grievance.

The Jail Health Department Staff Grievance Board will, within 15 days of receipt of the complaint by the Grievance Officer, notify the inmate in writing of: the action taken, the reason for the particular action, what, if any, time limits apply to the action, what, if anything, needs to be done by the complaining inmate, or provide an interim response that the matter is being looked into.

If you are not satisfied with the decision of the Jail Health Department Grievance Board, you have 3 days in which to appeal (in writing via the electronic grievance system) to the Chief Medical Officer. To do so you will need to:

1. Submit a written statement electronically on the kiosks in the appeal section, requesting appellate review of the decision together with a reference to the initial grievance dates, times and information.
2. Indicate the specific reasons the inmate believes the decision of the Jail Health Grievance Board should be reversed, giving specific dates, times, names of those involved, and specific allegations.

The Chief Medical Officer will review the grievance appeal and either confirm or deny it. If the Chief Medical Officer confirms the grievance appeal, he/she will initiate corrective actions. In either case, the inmate shall receive a written response to the appeal. The written response will be given within 15 days of the initial written appeal.

If you are not satisfied with the decision of the Chief Medical Officer, you have 3 days in which to appeal (in writing via the electronic grievance system) to the Health Director. The Health Director will review the grievance appeal and either confirm or deny it. If the Health Director confirms the grievance appeal, he/she will initiate corrective actions. In either case, the inmate shall receive a written response to the appeal. The written response will be given within 20 days of the second written appeal.

The decision of the Health Director is final in Medical Grievances.

In all cases the final response will be given within 60 days

TO: Health director

DENTON COUNTY DETENTION FACILITY INMATE GRIEVANCE FORM

Name Philly Ashdown SO # 48934

Location Pod #11 Date Submitted 10/26/18 18G-1968

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

Your Chief Medical officers
ludicrous answers to my 3rd level grievance are, yes
are completely without any merit. Your Dr. Butannan
has not at all used any "Clinical Reasoning" in the decisions
he's chosen in my care plan. He has continually ignored
my Numerous Pleadings and filings to be seen by him and
continually shown deliberate indifference regarding my
severe "KNOWN" chronic neurological disorder of Familial
Progressive Spastic Paralysis that REQUIRES MEDICA-
TION to control the severe, unpredictable, chronic
spastic shaking fits and Clonus tremors that are
caused by my disability and also has caused me to
continually suffer undue and unnecessary wanton
Pain & suffering BY that deliberate indifference in clearly
established Violation of my 8th and 14th Amendment.

Inmate Signature P. Ashd

Page 1 of 5

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

NO answer given
Hindered

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Phillip Ashdown SO # 48934
 Location Pod #11 Date Submitted 11/09/18 186-2047

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a "Grievance Envelope", seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

Complete refusal to help me clearly established by your blatant deliberate indifference to your oath to provide proper care to pre-trial detainees in your care and to my serious medical needs of prosthetically NECESSARY CARE and OBTAINMENT, AS REQUIRED.

BY LAW TO PREVENT HARM. & This will exhaust my administrative remedies which will never be achieved because of your illegal & unconstitutional Medical Practice, Policies and Procedures & Customs. and I will seek remedy in the United States District Court.

Inmate Signature P. Ashd Page 3 of 3

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

3rd Level answer -

REALLY?

I have reviewed this grievance from Mr. Ashdown concerning prosthesis fitting. I have also reviewed the electronic medical records in question. After consultation with D. Sanders and Dr. Buchanan, I concur that fittings are not medically necessary for procurement from Denton County. Mr. Ashdown has received thorough and exhaustive clinical care during his incarceration, negating claims of indifference. This grievance is determined to be without merit and is denied.

FALSE

Signed,
 Matt Richardson, DrPH, MPH, FACHE
 Director of Public Health

Date: 11-27-18

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Phillip Whidow SO # 48934
 Location Pod # 1 Date Submitted 8/29/18 08-30-18A06:57 ARNV
 Case #18G-1723

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

Your sophomore Dr. Bulman has once again wrongly, (and with intentional deliberate indifference), interfered with my effective pain mgmt regime and has idiotically cut off my Tylenol pain management medication under the guise of using baclofen (which is a muscle relaxer) that is supposed to as an alternative, be replacing my Flexeril muscle relaxer medication (that I had to have to control the severe spastic shaking in my legs (NOT my Body Pains) that he inhumanely cut me off off and is trying to say "The baclofen is to replace the tylenol". This stupid decision has caused me to be in severe unnecessary wanton infliction of pain (Because Baclofen does NOT stop body

Inmate Signature J. Cordell Page 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Medical states that you have a physician directed care plan in place; your allegation of medical indifference is unfounded.

9/5/18 Sgt. Cordell

No Help

*Medical
Grievance
Handled
By
Cordell*

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Philly Whidown SO # 48934
 Location Pod #1 Date Submitted 8/27/18 08-27-18 P02:23 RCVD
 Case #18G-1730

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

your nurse Edgar is again causing deliberate indifference to my chronic medical needs by not doing her job and submitting my tubercle refill request after I even was forced into a "sick call" that I was charged \$12.00 for when I am only supposed to have to simply fill out the yellow sheet for medication refill at only a 5.00 charge on 8-23-18 and then after having me charged that \$12.00 she didn't even submit one for the doctor so I did not get my medication for 5 days now and I had to go back to sick call (when I shouldn't have for another \$12.00) on Friday 8-24-18 in order to have someone actually submit one for the doctor to refill my meds. I want nurse Edgar fired because this is

Inmate Signature F. Whid Page 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Medical states that your allegation of medical indifference regarding Medical Officer Edgar is categorically false. She documented your request for a medication refill on 8/22/18 and properly forwarded it for review and consideration in accordance with departmental policy.
 9/5/18 Sgt. Cordell

No she did not!!
Medical Grievance Handled By Cordell

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Phillip Ashdown SO # 48934
 Location Pod # 1 Date Submitted 7/28/18 18G-1494

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

I did not break my stump tubes. Your incompetent staff members (C.O. Boggs and Sgt. Federley) did so by their reckless mishandling and I believe intentional damage was caused to try to hinder my ability to keep my hip, leg & buttock muscles from atrophying because "medical doesn't agree with me walking in my tubes", which for the record has been encouraged to me by other inmates who the tubes came from. I did not damage that tube by walking in it and they were just fine all day on 7-17-18 when I walked in them in the morning (as well as the night before on 7-16-18) and when I took them off and placed them by my locker they were not damaged at all. I then went into the activities room to

Inmate Signature T. Ashdown Page 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

*Abandoned
 By Medical &
 DCSO NO answer
 given*

Level 3 Flexeril guidance Health Director

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name

Phillip Ashdown

SO #

48934

Location

Hill #2

Date Submitted

7/28/18 186-1290

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

The medical director is obviously not very knowledgeable then because my flexeril is necessary and has been the only thing that effectively controls my chronic severe spasms that is caused by neurological disability of Progressive SPASTIC paralysis that I have had since I was 8 yrs old and your doctor Buchanan's "moronic" "deterioration" he claims to have made through "Clinical Reasoning" is a joke, and I S Deliberate Indifference to my serious medical needs to have this medication. Ever since your "Doctor" decided to take it to me by stating "Hed put it on and keep it on as P.R.N. then two days later he cut it off

Inmate Signature

P. Ashdown

Page

1 of 1

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

I have reviewed your Grievance and request for appeal. My actions and investigation in this case have included: Review of your appeal and attached documentation. Discussion and case review with the Jail Health Administrator, and discussion and case review with Medical Director/ Health Authority. My determination is that you have received and are receiving appropriate and responsive care. The chief complaints are being evaluated and treated per medical director and physicians orders. Therefore, your Grievance appeal is denied and your course of care will continue as clinically indicates and appropriate.

8/1/18 Matt Richardson, DR PH, MPH Health Director

Rec'd 8/3/18 Exhausted due to abandonment &

ORIGINAL (WHITE) : FILE

COPIES : INMATE FILE & RETURN

CANARY COPY : INMATE COPY

(REV. 1/96)

(34)

late answer
NO Help

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Phillip Ashdown SO # 48934
 Location Pod # 11 Date Submitted 7-12-18 18G-1338

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. Fold neatly and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

Well the "Clinical Reasoning" of the designated physician is a joke and is causing violations of your POLICY of NOT making an inmate suffer unnecessarily and wanton infliction of pain due to denial of proper and effective treatment of a serious neurological medical need. (unless your policy is in fact, to harm no inmates in that case then so your policy would be fine) but I know better. Also, yes you and your deliberately indifferent Dr. Buchanan and medical supervisor John Kussinger are violating my constitutional rights under the 5th and 14th Amendments to be free from cruel and

Inmate Signature F. Ashdown Page 1 of 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

*abandoned by
 medical never
 answered
 as of 11/15/18*

Emergency Medical Grievance

DENTON COUNTY DETENTION FACILITY

INMATE GRIEVANCE FORM

Name Phillip Ashdown SO # 48934
 Location Pod # 11 Date Submitted 6/19/18 06-20-18A11:11 RCVD
 Case #18G-1300

Refer to Inmate Resident Handbook for definition of grievance issues. State Right or Privilege violated as briefly and completely as possible. **Fold neatly** and place in a 'Grievance Envelope', seal and submit to Grievance Office. Keep the goldenrod copy for your own records.

*The medical pill
 Call nurse is strait lying to you. He
 Never announced himself tonight at P.M.
 med pill pass. Nor did he @ 11:00 announcing
 my wake and because of it I did not get
 any of my medication or my needed
 protein shakes that control my daily
 blood sugar drops. I was in the day
 room at 11:00 AM. I was in the day
 room and never seen nor heard him
 arrive or do med pass or I was either
 in the shower at the time, but either way
 my name was never called. Please either
 take me down to medical to get my meds*

Inmate Signature Phillip AshdownPage 1 Or 2

GRIEVANCE OFFICE USE ONLY - DO NOT WRITE IN SPACE BELOW

Medical states that this incident is being reviewed to determine if there is a breach of any operational policy regarding medication and disbursement; any such breach will be addressed with the staff members involved.

7/2/18 Sgt. Cordell

*Never addressed or
 answered on time
 Per Inmate Handshake
 Admin Remedies
 exhausted for
 for fight
 by machine*

Exhibit # 3

Kites
Written
to
Bank.

Exhibit # 3

(37)

INMATE REQUEST FORM—GENERAL

DENTON COUNTY JAIL

INMATE'S NAME

SO #

TIME/DATE

LOCATION

Philby Ashdown

48934

11/15/18

Fol # 11

Service Request (check below)

Classification

Counselor/Programs

Education Coordinator

Jail Shift Supervisor

Law Library

Medical

Religious Services

Property

Inmate Phone

Commissary

Other

Print Request Here (completed by inmate)

I asked you sincerely, to please answer my grievance #156-2109 properly (that you mixed up the answers to), and you are blatantly thru failure to follow your own rules and regulations of grievance procedures outlined in the inmate handbook (see pg #11) flat out denying to answer my grievance thereby unlawfully hindering my ability to, Bylaw "Exhaust my administrative remedies" so I will present to the FEDERAL COURT in my 42U.S.C. § 1983 lawsuit:

① You - in individual capacity - as a New named defendant for violations of my due process & equal protections 14th U.S. & TX Const. Amendment rights at Longwood Chief Caver and TX Ranger Claire Barnes and ② I will present to the Court the fact that exhaustion for grievance #156-2109, 156-1418, 156-1940 and 156-7013 are all being denied closure and hindrance resolves my exhaustion ability.

See you in court!!!

Action Taken

Signature of Officer Taking Action

Date Action Taken

Time

Attn: Chief Deputy Dockery
 RE: Refusal to abide by grievance Procedures.

INMATE REQUEST FORM—GENERAL

DENTON COUNTY JAIL

INMATE'S NAME

SO #

TIME/DATE

LOCATION

Philly Ashdown

46934

11/15/18

Pod #11

Service Request (check below)

Classification

Counselor/Programs

Education Coordinator

Jail Shift Supervisor

Law Library

Medical

Religious Services

Property

Inmate Phone

Commissary

Other

Print Request Here (completed by inmate)

I asked you
 sincerely, to please answer my grievance
 #186-2109 properly (that you mixed up
 the answers to), and you are blatantly
 thru failure to follow your own rules and
 regulations of grievance procedures outlined
 in the inmate handbook (see pg #11) flat
 out denying to answer my grievance thereby
 unlawfully hindering my ability to, Bylaw,
 'Exhaust my administrative remedies' so I will
 present to the FEDERAL COURT in my 42nd S.C.
 §1983 Lawsuit:

1. You - in individual capacity - as a New
 named defendant for violations of my due
 process & equal Protections 14th U.S. & TX
 Const. Amendment rights sit alongside
 Chief Caver and TX Ranger Claire Barnes
 and I will present to the Court the
 fact that exhaustion for grievance #186-2109,
 186-1418, 186-1940 and 186-2013
 are all being denied closure and hindrance
 resolves my exhaustion ability.

See you in Court!!!

DENIED

Signature of Officer Taking Action

Date Action Taken

Time

Chief Deputy Dewayne Dockery

11-20-2018

11:03am

ALM: Chief Deputy Locking & Deputy Barnes
RE: Refusal to abide by grievance procedures

INMATE REQUEST FORM—GENERAL

DENTON COUNTY JAIL

INMATE'S NAME

SQ #

TIME/DATE

LOCATION

Phillip Chdown

48934

11/15/18

Dod # 11

Service Request (check below)

Classification

Counselor/Programs

Education Coordinator

Jail Shift Supervisor

Law Library

Medical

Religious Services

Property

Inmate Phone

Commissary

Other

Print Request Here (completed by inmate)

I asked you, sincerely, to please answer my grievance #186-2109 properly (that you mixed up the answers to), and you are blatantly through failure to follow your own Rules and regulations of grievance procedures outlined in the inmate Handbook (page #11) flat out denying to answer my grievances thereby unlawfully denying & hindering my ability to "Exhaust my Administrative

Action Taken

remedies as required by law" so I will present to the federal court ① you as a new named defendant in my 42 USC § 1983 lawsuit for violations of my civil rights it along side of your Chief Caver and TX Ranger Barnes. and ② I will present to the court the fact Exhaustion was hindered for grievance #'s 186-2109, 186-1418, 186-1940 and 186-2013.

Signature of Officer Taking Action

Date Action Taken

Time

See you in Court.

(40)

His
Copy

INMATE REQUEST FORM—GENERAL

DENTON COUNTY JAIL

INMATE'S NAME

SO #

TIME/DATE

LOCATION

Phillip Ashdown

48934

11/14/18

Pod #11

Service Request (check below)

Print Request Here (completed by inmate)

Classification

Counselor/Programs

Education Coordinator

Jail Shift Supervisor

Law Library

Medical

Religious Services

Property

Inmate Phone

Commissary

☒ Other

Chief Dockery I sent a grievance 2nd level (Grievance #18G-2109) about official oppression from a Pod #11 officer's unprofessional conduct to Jail Administrator on 11/10/18 and you sent the incorrect answer on it about a completely different grievance matter of denial of my 14th amendment rights to equal protection regarding denial of your agency to allow me to file an assault report of my own on grievance

Jail Administrator #18G-1418-18G-1940-18G-2013.

Action Taken

Please re-answer my grievance #18G-2109 with the proper ~~answer~~ answer you'll pick for that grievance so I can exhaust. (18G-2109)

Thank you.

DENIED

Signature of Officer Taking Action

Date Action Taken

Time

Chief Deputy Dewayne Dockery

11-15-2018

1:04pm

(41)

Attn: Chief Kaver

INMATE REQUEST FORM—GENERAL

DENTON COUNTY JAIL

INMATE'S NAME

SO #

TIME/DATE

LOCATION

Phillip Ashdown

48934

11/6/18

Pod #11

Service Request (check below)

☐ Classification☐ Counselor/Programs☐ Education Coordinator☐ Jail Shift Supervisor☐ Law Library☐ Medical☐ Religious Services☐ Property☐ Inmate Phone☐ Commissary☒ Other

Chief Kaver

Print Request Here (completed by inmate)

I need you to please, as you previously offered to do, have a Texas Ranger come see me, as to have him take a Police report for me as to uphold my rights to equal protection guaranteed by the 14th amendment. I have no way to reach them.

Thank you

Action Taken

Inmate Ashdown, Texas Ranger Clair Barnes asked me to tell you he has looked at video and all reports regarding your allegations. He has decided there is no merit to your claim; therefore, he is closing this case.

Signature of Officer Taking Action

Date Action Taken

Time

Asst. Chief Deputy Barry Caver

11-08-2018

4:40pm

42

INMATE REQUEST FORM—GENERAL

DENTON COUNTY JAIL

INMATE'S NAME

SO #

TIME/DATE

LOCATION

Phillip Ashdown

48934

11/06/18

Pod #11

Service Request (check below)

☐ Classification☐ Counselor/Programs☐ Education Coordinator☐ Jail Shift Supervisor☐ Law Library☐ Medical☐ Religious Services☐ Property☐ Inmate Phone☐ Commissary☒ Other

Print Request Here (completed by inmate)

I need you to Please,
 As you previously offered
 to do, have a Texas
 Ranger come see me, as
 to have him take a Police
 report for me as to uphold
 my rights to equal protection
 guaranteed by the 14th
 amendment. I have no
 way to reach them.
 Thank you.

Chief Caver

Action Taken

Inmate Ashdown, as per your request above, I have contacted Texas Ranger Clair Barnes. I sent him an email on Tuesday, Nov. 6, 2018, at 3:49pm, making him aware of your request. He stated he would attempt to make contact with you on Thursday, after he testifies in court on another case.

Signature of Officer Taking Action

Date Action Taken

Time

Asst. Chief Deputy Barry Caver

11-07-2018

8:07am

my
copy

LOCATION

LOCATION
8/28/18

Print Request Here (completed by inmate)

Other

Would you please answer my grievance #15G-1418 4th level that I filed to you on 7/26/18 because the 10 day time limit for your answer is overdue and I need to finish exhausting administrative remedies and complete the grievance process so I can move forward with my lawsuit against you and your staff. Thank you

Never Answered

Time

44

INMATE REQUEST FORM--GENERAL		DENTON COUNTY JAIL	
INMATE'S NAME	SO #	TIME/DATE	LOCATION
<i>Phillip Ashdown</i>	<i>48934</i>	<i>8/19/18</i>	<i>P.T. Med #A</i>

MY
copy
of
note

Service Request (check below)	Print Request Here (completed by inmate)
<input type="checkbox"/> Classification	<i>Dear Sherriff Murphy, Can you please finish responding to my 4th level grievance # 186-1418 that I filed to you on 7-26-18 regarding denial of my constitutional rights by your staff so I may proceed forward with my lawsuit against you & your staff. I have to finish the grievance process. Thank you.</i>
<input type="checkbox"/> Counselor/Programs	
<input type="checkbox"/> Education Coordinator	
<input type="checkbox"/> Jail Shift Supervisor	
<input type="checkbox"/> Law Library	
<input type="checkbox"/> Medical	
<input type="checkbox"/> Religious Services	
<input type="checkbox"/> Property	
<input type="checkbox"/> Inmate Phone	
<input type="checkbox"/> Commissary	
<input checked="" type="checkbox"/> Other <i>Sherriff</i>	<i>Your 10 day time limit (per your own rules) is up on 8/9/18. Please stop hindering my grievance process.</i>

Tracy Murphy

Action Taken
<i>Never answered</i>

Signature of Officer Taking Action	Date Action Taken	Time

(43)

Kiosk for answer request on 8/28/18.

INMATE REQUEST FORM—GENERAL

DENTON COUNTY JAIL

INMATE'S NAME

SO #

TIME/DATE

LOCATION

Phillip Ashdown

48934

7/13/18

Pod # 11

Service Request (check below)

☒ Medical☐ Property☐ Other

Print Request Here (completed by inmate)

I need to know, for my lawsuit against Denton County Correctional Health, what nurse was on duty on 3/3/18 in your daytime shift medical department (New medical area). Please provide me that persons name for she is a defendant in my lawsuit for failure to treat my injuries.

Action Taken

Thank you

There are too many medical officers. You need to give more information for us to answer this

Signature of Officer Taking Action

Date Action Taken

Time

K. Selgo

7/14/18

INMATE REQUEST FORM—GENERAL		DENTON COUNTY JAIL	
INMATE'S NAME <i>Phillip Ashdown</i>	SO # <i>48934</i>	TIME/DATE <i>7-12-18</i>	LOCATION <i>Pod #11</i>

<p>Service Request (check below)</p> <p><input checked="" type="checkbox"/> Medical</p> <p><input type="checkbox"/> Property</p> <p><input type="checkbox"/> Other</p>	<p>Print Request Here (completed by inmate)</p> <p><i>Please provide me with the address and phone # for Denton County Correctional Health as so I may serve my lawsuit upon the medical department defendants.</i></p> <p><i>Thank you.</i></p>
--	--

<p>Action Taken</p> <p><i>This request is not related to your health care. Please request from your attorney or your pod officer</i></p>
--

Signature of Officer Taking Action <i>[Signature]</i>	Date Action Taken <i>7-16-18</i>	Time
--	-------------------------------------	------

INMATE REQUEST FORM—GENERAL

DENTON COUNTY JAIL

INMATE'S NAME SO # TIME/DATE LOCATION

Phillip Ashdown 48934 6/25/18 Pod # 11

Service Request (check below)

Print Request Here (completed by inmate)

Classification
Counselor/Programs
Education Coordinator
Jail Shift Supervisor
Law Library
Medical
Religious Services
Property
Inmate Phone
Commissary

✓ Other IT Alamban
& Chief Kaver

I am respectfully requesting that you both please come down to pod # 11 and talk with me regarding the incident on 3/2/18 involving your D.O. officers (specifically Ethon Keith) and myself at a cell move before things got really out of control. Due to failure to communicate I thank you.

I need an internal investigation done & believe we can resolve this matter.

Action Taken

Signature of Officer Taking Action

Exhibit #4

Letters written
to agencies
to get help in
upholding my 1st,
8th & 14th amendment
U.S. Const. rights

Exhibit #4

Assault on me by
Jail Staff

Texas Rangers Sent Letter ✓✓
 820 N. Loop 288 2x5
 Denton, TX 76209
 (940) 484-6660

Fox 4 News ✓✓ Sent Letter 2x5

KDFW Fox 4 Investigations (Team)

400 N. Griffin St.

Dallas, TX 75202

(214) 720-3375

(800) 677-5339

iteam@FoxTV.com

Shawn Rabble

Clarice Tinsley

Shannon Murray

Allison Harker

Visitation Jail # (940) 349-6500

Denton Record Chronicle

3555 Duchess dr. ✓✓ sent

Denton, TX 76205

Letter 2x5

WFAA Ch 8 News ✓✓ sent Letter

606 Young St

Dallas, TX 75202

(214) 748-9631

2x5

Ch 5 News Sent Letter ✓✓

Scott Friedman P.O. Box 1780 Fort Worth TX,

800-232-KXAS

(50)

76101

DOJ - Dept of Justice
950 Pennsylvania Ave N.W.
Washington D.C. 20530.

United States Court Office of the Clerk
333 Constitution Ave N.W.
Washington D.C. 20001

Cochran Law firm (Bryant - James)
3400 Carlisle St. suite 550
Dallas TX, 75204

F.B.I. Public Corruptions Division
One Justice Way ✓✓ sent letter
Dallas TX, 75220
(972) 559-5000

D.C.S.O. Sheriff's office investigations division
Michael Tutt - Captain ✓✓ sent letter
Sgt Coats - Have texts

Contact NBC 5 ✓✓ sent letter
4805 Amon Carter Blvd
Fort Worth TX, 76155
(800) 232-KXAS

Denton Record Chronicle ✓✓ sent letter
3555 Duchess Dr.
Denton TX, 76205

Fox 4 News ✓✓
Shawn Raab, Clarise Tinsley,
Allison, Harris and Dan Goodwin.
400 N. Griffin St Dallas TX, 75202 ✓✓ sent letter (5)

Dear NBC Ch 5, Investigative Reporters
Attention: Scott Friedman, Katy Blakely, and
John Russell, & Larry Collins

My name is Phillip B. Ashdown and I
am writing you to Please obtain your
assistance in getting help in receiving
justice for the undue assault
against me on 03/02/2018 here at
the Denton County Jail by detention
officers ① Ethan Keith, ② Corporal Curly,
③ Corporal Niksita and ④ another D.O.
named Lathwald.

I am a bi-lateral amputee disabled
person who has just recently Jan/Feb
of 2018 had both of my feet & 2 my
calves amputated due to frostbite at
Christmas time and am in a
wheelchair now.

When I turned myself in to the jail,
willingly, on 2/28/18 for some accusations
of debit card abuse I still had the staples
and stitches in my residual limbs and
due to the extreme pain I was constantly
in, I could barely move but had good
balance.

I was being re-housed from the "Tower"
due to me breaking a window in the
glass cell I was in while still detoxing
off of several prescribed drugs, including the

Dear Fox 4,
Attention: Dan Goodwin, Allison Harris, and Clarise Tinsley.

My name is Phillip B. Ashdown and I am writing you to please obtain your assistance in getting help in receiving justice for the assault against me on 3/2/18 here at Denton County Jail by detention officers Ethan Keith, Corporal Curly, Corporal Miksitz, and another detention officer named Gothwald.

I am a disabled person who has just recently (in February), had both of my feet amputated due to frostbite at Christmas time and am in a wheelchair now.

When I turned myself in to the jail, willingly, on 2/28/18 for some accusations of debit card abuse I still had the staples and stitches in my residual limbs and due to the extreme pain I was constantly in I could barely move.

I was being re-housed from the "Tower", due to me breaking a window in the cell I was in while detoxing off of several drugs, including the

10/18/18 ①

Dear Channel 8,
Attention, and Investigations division, please help.

My name is Phillip B. Ashdown and I am writing you to PLEASE obtain your assistance in getting help in receiving justice for the assault against me on 3/2/18 here at Denton County Jail by detention officers ① Ethan Keith, ② Corporal Curly, ③ Corporal Niksitz, and another detention officer named Lothwald.

I am a disabled person who has just recently (in February) had both of my feet amputated due to frostbite at Christmas time and am in a wheelchair now.

When I turned myself in to the jail willingly on 2/28/18 for some preparations of debt card abuse I still had the staples and stitches in my residual limbs and due to the extreme pain I was constantly in I could barely move.

I was being re-housed from the "Tower", due to me breaking a upprider in the cell I was in while detoxing off of several drugs, including the

(54)

Norco 10's I was prescribed by my doctors at Propetarian hospital and Select Rehabilitation hospital here in Denton, when I was ripped out of my wheelchair by several officers and slammed face first on the floor which resulted in my chin being split wide open and my right eardrum partially ruptured to the point my entire shirt was soaked with blood all down the front and right side where I was severely bleeding out of my mouth, chin, and right ear, and nose.

* All just because as I was being pushed hurriedly out the cell, I yelled for them to stop, and stopped my wheelchair to make sure that they did not forget my residual limb protection tube at the end of the bed, that was unseen.

This assault against me by not one, but several, officers was extreme and unnecessary excessive force that resulted in permanent Physical

* There is full video of this re-house taken

injury to a freshly amputated disabled person, In a wheelchair!
 I have worked over these last 6 months to obtain help by the D.C.S.O.
 ① Internal affairs dept, ② Corporals, ③ Sgts, ④ LT. Alambar, ⑤ Chief Kaver, and ⑥ have even written the sherriff himself, Tracy Murphy, and have then filed grievances, and submitted Texts on their Kiosk for help,* only to NOT receive any response back at all from the Sherriff himself, hinderance by the Jail staff, cover up, lies, and ridiculous responses by LT. Alambar, grievances, and Chief Kaver.
 I have even called my attorney friend and requested advice and told to get the Texas Rangers involved, which I wrote a letter to on 7-26-18 as well as the D. A. Paul Johnson, and have recieved absolutely no help at all to help me ④ file my own police/sherriff report for the assault against me by D.C.S.O. staff and ⑤ have formal charges filed against those that were totally unwarranted in this assault against me by the

(56)

* I have all these records if needed.

extreme excessive force used on a person in a wheelchair.

They say in all their "Reports" that they used "appropriate force" but the maximum force needed to completely subdue me would have only simply pin my arms down to the armrests on the wheelchair and I would have been completely immobilized (I have NO feet and only 1/2 of my calves left.....

And I am being charged a *3rd degree felony for "spitting" on Ethan Keith at medical where they refused to treat me!! medically!!
 *(See case # F18-1053-211)

The Ranking officials have allowed "Their own" Ethan Keith D.O., to have a D.C.S.O. patrol officer to come in off the street and take & fill his own police report against me (Report included), which is full of lies, especially the part saying "I fell out of my wheelchair". But yet I am being denied my 14th amendment constitutional right to Equal

(5)

* indictment included in this letter

protection of all the laws, and have been denied my right to have a patrol officer come in and take a report for ME about the severe physical assault upon me by D.C.S.O. staff, (that has caused me scarring and permanent partial hearing loss in my right ear wherefore my jawbone was hit upon the floor so hard that it damaged my eardrum and ear canal and now I can barely hear out of my right ear), due to their use of extreme excessive force used upon a bi-lateral amputee in a wheelchair.
Where is the justice for ME?!!!

Please help me get this story aired on Fox 4 so the whole D.F.W. Area knows about the corruptive practices here at D.C.S.O. Jail in Denton TX so ① This does not EVER happen to someone ever again (especially the disabled here who are already abused enough by the medical dept here already), ② and so I may get help for myself

(6)

In getting the Texas Rangers and the Denton county D. A. to come
④ to take a police report for me and
to ⑤ have the D. A. to prosecute those
officers that did this to me....
PLEASE HELP ME!!!

I have even written the local
F.B.I. public corruptions division
(letters enclosed), (D. A.), and (TX Rangers)
to get help and have NOT received
any help at all.

Please help me obtain justice
for the unlawful assault
against me.

Thank you.

Please come visit me at
Denton County Jail.

Thank you.

Phillip B. Ashdown #48934
D.C.S.O. Jail (pre-trial medical #A)
127 N. Woodrow Ln
Denton TX 76205.

(59)

CAUSE NO. F19-105211 ^{FILED} ^{DENTON COUNTY TEXAS} ^{2018 APR 30 PM 3:11} ²¹¹ TRN: 9260033268 / A001
BOND: \$5,000.00 PID NO. 33654
DEFENDANT: PHILLIP ASHDOWN ^{SHERRI ADELSTEIN} ^{DISTRICT CLERK} SID: TX 06780499 W/M 03/28/1970
CHARGE: HARASSMENT BY PERSONS IN CERTAIN CORRECTIONAL FACILITIES
ART: NONE SEC: 22.11 CODE: PENAL
CO-DEFENDANT: NONE WARRANT NO: 18-564981-1
WITNESS: J.COATS CONTROL NO: 18-03823

TRUE BILL OF INDICTMENT

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS

THE GRAND JURORS, in and for the County of Denton, State of Texas, duly organized, impaneled, and sworn as such, at the January Term, A.D., 2018, of the District Court of the 16th Judicial District in and for said county and state, upon their oaths, present in and to said Court that PHILLIP ASHDOWN, who is hereinafter styled defendant, on or about the 2nd day of March, 2018 and anterior to the presentment of this Indictment, in the county and state aforesaid, did then and there, while imprisoned or confined in the Denton County Jail, a correctional or detention facility, and with intent to assault, harass, or alarm, cause Ethan Keith to contact the blood or saliva of the defendant;

against the peace and dignity of the State.

PAUL JOHNSON
CRIMINAL DISTRICT ATTORNEY OF
DENTON COUNTY, TEXAS

Cathy R. C...
Foreman of the Grand Jury

(60)

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

Before me, the undersigned authority, on this day, personally appeared the undersigned affiant who, after being by my duly sworn on oath deposes and says that: ASHDOWN, PHILLIP B. W/M 03/28/70, hereinafter styled defendant on or about 03/03/2018 and before the making and filing of this complaint, in the County of Denton of the State of Texas, did then and there commit the act of HARASSMENT OF PUBLIC SERVANT.

Affiant is Deputy Deputy Joshua D. Vest # 4357, who is a certified peace officer of the Denton County Sheriff's Office, and is currently participating in the investigation of this case. Affiant's probable cause for the above belief is based on the following facts and sources of said facts:

I, Deputy Deputy Joshua D. Vest # 4357, A Deputy, assigned to the Patrol Division, with the Denton County Sheriff's Office, state that On 03/03/2018, Deputy J. Vest was dispatched to an assault report at the Denton County Jail. Upon arrival I met and spoke with the victim Detention Officer Ethan Keith. Officer Keith was wearing his distinct uniform. Officer Keith advised he was assisting with rehousing the defendant. The defendant had broken a window in his cell and had to be moved from that cell. The defendant was being unruly and uncontrollable. ~~The defendant gave orders that he did not comply with.~~ The defendant was warned of being tased at one point. The defendant ~~fell out of his wheelchair~~ during the incident. The defendant was injured and blamed the officers for his injuries. Officer Keith assist other officers with getting the defendant back into his wheelchair and to medical to be evaluated. While the defendant was being evaluated he turned to Officer Keith and spit in his face. Officer Keith advised the saliva contained blood. A spit mask was placed on the defendant. The defendant was placed on the bed in Pre-Trial Medical Cell A.

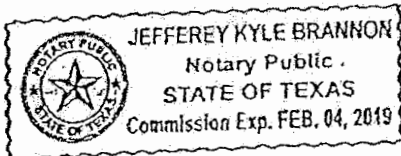
The defendant with the intent to assault, harass, or alarm, while being confined in Denton County Jail, by causing Officer Keith, who was wearing a distinct uniform, contact with blood and saliva, while Officer Keith was lawfully discharging official duty.

Wherefore, premises considered, the Affiant respectfully requests that a warrant issued for the arrest of ASHDOWN, PHILLIP B. W/M 03/28/70 to answer for the ☐misdemeanor/ ☒felony offense of HARASSMENT OF PUBLIC SERVANT in accordance with the laws in the State of Texas.

AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS.

AFFIANT

SWORN TO AND SUBSCRIBED BEFORE on this 3 day of March, 20 18



PEACE OFFICER: Notary

MAGISTRATE
DENTON COUNTY, TEXAS

MAGISTRATE'S DETERMINATION OF PROBABLE CAUSE

On this the 3 day of March, 2018, the undersigned Magistrate hereby acknowledges that said Magistrate has examined the above affidavit and has determined that probable cause exists for the issuance of an arrest warrant for the individual accused of the offense set out therein.

MAGISTRATE REGINA A. CARTER

(61)

*I did not see
Vest
Fall out
I was
injured
by
officer
Keith*

*Really
silly
victim*

*I was refused
care!!!*

8/16/18
①

Dear Paul Johnson,
 I, Phillip B. Ashdown, am respectfully writing to you, The Head of the D. A.'s office, requesting for Justice to be found for me, for the unlawful assault against me, a disabled (bi-lateral amputee) person in a wheelchair, on 3/2/18 by detention officers Lethwald, Keith, Niksite, and Curly, as well as the nurse in medical who failed to treat me.

My chin was completely split open and my eardrum was partially ruptured after those officers ripped me out of my wheelchair using extreme excessive force when all I did was stop my wheelchair to tell them that I needed my other residual limb stump tube (I was recently amputated that February and still had the staples and stitches in my stumps when I turned myself in on 3/28/18 for unrelated charges I am accused of). When I stopped

②

(2)

my wheelchair, as they were hurriedly trying to push me out the cell I was ripped out of my wheelchair, I did not "fall out of" it. I was then slammed on the floor without cause, (all they had to do to secure me was pin my arms to my chair), Face 1st landing on my chest and face (because my arms were held by an officer each) resulting in my face hitting the floor so hard that my chin was split open and I was bleeding excessively from both my mouth, chin, and my right ear so much that my shirt was soaked in blood.

I was then taken down to the medical dept where the D.O. that was filming all this just said "He is refusing care" which I did not do I just cussed them I was then taken to Pre-trial medical # A cell and thrown on the bed where my ~~split~~ open chin

(63)

(3)

slid over the edge of the mattress. I was left there, hidden for months there and in S-I-E until my $1\frac{1}{2}$ wounds were scabbed over, healed

I have not since then been able to properly hear out of my right ear which has destroyed my Perfect Pitch I relied on as a professional musician.

I am respectfully requesting that formal charges be filed against all four defendants and the medical nurse who failed to help me when I needed emergency medical care. Those defendants are: Detention officers ① Ethan Keith ② Corporal Miksits, ③ Corporal curly ④ and Detention officer Gathwald.

I have been denied my constitutional rights to Not only due process but the Denton County Sheriff's office is refusing me any help in allowing me to have a patrol officer to come in and take a police report for the excessive force assault on 3/2/18

(64)

(4)

against me, but yet they allowed
one to be taken for "their people".
I have tried to go up through
the chain of command to get
this report filed so I may pro-
duce it to you as so to have
Justice met for me!! I have
been denied, lied to, hindered, and
even have written letters to the
Sheriff himself, the Texas Rangers,
and even the F.B.I. public corruption
division. I have also kept full
documentation and have requested
and recieved all texts sent to all
departments showing proof of denial
of my rights, hindrance, obstruction
of Justice, and cover up. I am
respectfully requesting that you
please help me, a Tax Paying citizen
of Denton County, to receive the
Justice I deserve, and that you
so speak of upholding so dearly
and have formal state jail felony
charges for 1) Assault by excessive
force against a disabled person

(65)

(5)

and D Injury to a disabled person (TX Penal Code 22.04) and
 C Official oppression charges as well against D.C.S.O. Chief Kaver, and Sheriff Tracy Murphy and LT. Alambor as well (TX Penal code 39.03).

I am trying to avoid having to file a civil rights 42 U.S.C. § 1983 lawsuit and have Federal Marshalls come in and take control of your corrupt County Jail but I will. If I don't have my constitutional rights upheld and protection and justice are given to me, but I will. and I will win. I have kept every document, paper, even called for outside attorney advice and I am prepared to even get the media involved in this in order to receive the justice I deserve.

Please help me get a formal Police report filed and charges filed against those that have caused me this permanent Physical Injury & Scars.

(66)

Thank you. Phillip B. Ashdown
 #48934

Dear Texas Rangers Investigations Dept,
 My name is Phillip B. Ashdown and
 I need you to come see me at the
 Denton County Jail (Pod #1) & Help me.
 I was told by my private attorney
 Jason Jacoby, to contact you in
 regards to the Obstruction of Justice
 and denial of my 14th amendment
 rights to equal protection to have
my own police report filed for the
excessive force assault against me
by D.C.S.O. jail staff on 3-2-18
 (By the way I am a freshly amputated
 bi-lateral foot amputee) which
 resulted in my chin being split open,
 my eardrum partially ruptured, &
 my back & my neck hurt, but yet
 they allowed one of "their" officers
 to fill a report, submit it to the D.A.,
 and have a 3rd degree felony filed
 against ME, and Nothing is
 happening to them, though, really?
 Please help me.

I need the Texas Rangers to come
 into this jail and make sure that
 ① my rights to due process and
 equal protection are upheld by
 having an officer take a report for
 ME, just as Ethan Keith was allowed

(2)

to do) and ② expose the acts of obstruction of justice by all the C.I.D., Corporals, Sgts, etc.... and ③ help me as an abused pre-trial detainee computer get justice for the crimes that have occurred against ME by helping me to get charges filed for Injury to a disabled person (Penal Code 522.04 ②(3)) against O Ethan Keith D.O., ② Corporal curly-female, ③ Corporal Miksitz, ④ D.O. Gethwald. because these crooked officers did NOT have any justification to use the amount of excessive force that they used on me being a bi-lateral trans-tibial amputee with staples still in my residual limbs. All they had to do was pin my arms down onto my wheelchair and I would have been COMPLETELY incapable of ANY type of resistance.

Please come help me
and take my report.
Thank you.

Phillip B. Ashdown.
(68)

7-13-18
①

Dear F.B.I. Public Corruptions dept,
I, Phillip B. Ashdown, am requesting
your help in stopping the corruptive
actions that I am being made
to suffer at the hands of the
Denton County sheriffs office
jail personell.

I was assaulted by detention
officers on 3-3-18 which was a
result of their excessive force
used against me during a re-
house while I was still in a
wheelchair with the staples still
in my legs after my fresh
amputation of both my feet
which resulted in my being
ripped out of my wheelchair
slammed onto the floor face
first which resulted in unnecessary
permanent physical injury of my
chin being split open and my
eardrum partially ruptured.

I asked the D.C.S.O. investigations
division to have a patrol officer
come take a police report for
me as so I could request from

(69)

(5)

the Denton County D.A.'s office that assault charges could be filed against the Detention Officers (Just as officer Ethan Keith was allowed to do to file charges of harassment against me), but I was refused. I have a 14th amendment right to due process AND equal protection and by law ~~am~~ ^{am} entitled to be allowed to file my own Police report as well.

Please help me by opening an investigation on this matter and help me to get an officer (Patrol) from D.C.S.O. to file my report for me.

Thank you.

Phillip Ashdown

(70)

Exhibit #5

Deliberate
Indifference

Log record.

Exhibit #5

(31)

RE: Wheelchair Gloves

INMATE REQUEST FORM—GENERAL		DENTON COUNTY JAIL	
INMATE'S NAME	SO #	TIME/DATE	LOCATION
Phillip Ashdown	48934	11/10/14	Pod #11

- Service Request (check below)
- ☐ Classification
 - ☐ Counselor/Programs
 - ☐ Education Coordinator
 - ☐ Jail Shift Supervisor
 - ☐ Law Library
 - ☒ Medical
 - ☐ Religious Services
 - ☐ Property
 - ☐ Inmate Phone
 - ☐ Commissary
 - ☒ Other

Print Request Here (completed by inmate)

I have waited 2 weeks now for the gloves you said you & John would order for me to stop hand & finger bone pain but still have not gotten them. Your nurses just keep telling me "I don't have any for me ordered". Please order my gloves or just give me more out of my property to use. As we discussed

Action Taken

you need to write to property to request your gloves.

? Property told me I can't have any gloves out of my property

Signature of Officer Taking Action	Date Action Taken	Time

INMATE'S NAME

SO #

TIME/DATE

LOCATION

Philly Ashdown.

45934

10/26/18

Pod # 11

Service Request (check below)

Classification

Counselor/Programs

Education Coordinator

Jail Shift Supervisor

Law Library

☒ Medical

Religious Services

Property

Inmate Phone

Commissary

Other

attn:

John Kissenger

Print Request Here (completed by inmate)

I spoke with Chaplain Callender today and he said he can not do any phone calls except when a death occurs in the family & directed me to talk with Captain Rich. Can you please ask (and I will also) if he can help me to reach Alan. Thank you.

Action Taken

This is not a medical issue.

Signature of Officer Taking Action

JM

Date Action Taken

10/28/18

Time

1302 hrs

INMATE REQUEST FOR --GENERAL

INMATE'S NAME Phillip Ashdown SO # 48934 TIME/DATE 9/17/18 LOCATION Pod # 11

their
copy

Service Request (check below)

Classification

Counselor/Programs

Education Coordinator

Jail Shift Supervisor

Law Library

☒ Medical

Religious Services

Property

Inmate Phone

Commissary

Other

Print Request Here (completed by inmate)

I have an open order Cody & Dr gave me for a 2nd Blanket for leg elevation & someone has cancelled it? I still have to have the 2nd blanket due to ongoing stump throbbing and blood flow issues causing pain. Please have Dr. Buranigan re-instate my 2nd blanket order until I leave D.C.S.O. for leg elevation needs and winter warmth on laundry nites to prevent spasms shaking as I always also have had before.

Thank you.

Your 2nd Blanket order has not been stopped according to chart review.

Attached is a copy of Blanket order yet it has been stopped

Signature of Officer Taking Action

Date Action Taken

Time

K. Edgar LM

9-14-18

INMATE REQUEST FORM - GENERAL

INMATE'S NAME Phillip Ashdown SO # 48934 TIME/DATE 9/12/18 LOCATION Pod # 11

Service Request (check below)

☐ Classification

☐ Counselor/Programs

☐ Education Coordinator

☐ Jail Shift Supervisor

☐ Law Library

☒ Medical

☐ Religious Services

☐ Property

☐ Inmate Phone

☐ Commissary

☐ Other

Print Request Here (completed by inmate)

I have an open order Cody & Dr. gave me for a 2nd blanket for ① Leg elevation & someone has cancelled it? I still have to have the 2nd blanket due to ongoing stump throbbing and blood flow issues causing pain. Please have Dr. Buchanan re-instate my 2nd blanket order until I leave D.C.S.O. for ① Leg elevation needs and ② Winter Warmth on Laundry nites to prevent spinal Shaking as I always also have had before

Action Taken

Thank you.

Answered. Refer to grievance # 1662207

Signature of Officer Taking Action

Date Action Taken

Time

NY
copy.

Print Request Here (completed by inmate)

Would you please finish
answering my grievance
156-11338, I ^{2nd} level
I filed to you on 7-12-18
so I can finish exhaust-
ing my administrative
remedies and complete
the grievance process
so I may be able
to proceed forward
w/ my lawsuit against
you. Thank you.
Your 10 days are far from
over with.

Signature of Officer Taking Action	Date Action Taken	Time
------------------------------------	-------------------	------

Philly Ashdown

48934

8/23/18

F.T. Med

14

Service Request (check below)

Classification

Counselor/Programs

Education Coordinator

Jail Shift Supervisor

Law Library

Medical

Religious Services

Property:

Inmate Phone

Commissary

Other

Print Request Here (completed by inmate)

Print Request Here: (completed by inmate)

Would you please finish answering my medical grievance #186-1338 that I filed on 7-12-18 you have not returned it to me yet & your "10 Day" time limit is up (per your own rules) and I need to finish the grievance process.

Thank you.

Action Taken

Signature of Officer Taking Action

Date Action Taken

Time

77

INMATE'S NAME	SO #	TIME/DATE	LOCATION
Phillip Ashdown	48934	8/17/18	P.T. Med #A

my
copy

Service Request (check below)

☐ Classification

☐ Counselor/Programs

☐ Education Coordinator

☐ Jail Shift Supervisor

☐ Law Library

☐ Medical

☐ Religious Services

☐ Property

☐ Inmate Phone

☐ Commissary

☒ Other

Print Request Here (completed by inmate)

Would you please respond
to my 2nd level grievance
18G-1494 that I filed
on 7/28/18 because your
10 day time limit (Per your own
handbook rules) is up and
I need to finish the
grievance process to
file suit.

Thank you.

Grivence board

[illegible]

Signature of Officer Taking Action	Date Action Taken	Time
------------------------------------	-------------------	------

78

INMATE'S NAME	SO #	TIME/DATE	LOCATION
Phillip Ashdown	48934	8/17/18	P.T. Med # A

Service Request (check below)

- ☐ Classification
- ☐ Counselor/Programs
- ☐ Education Coordinator
- ☐ Jail Shift Supervisor
- ☐ Law Library
- ☐ Medical
- ☐ Religious Services
- ☐ Property
- ☐ Inmate Phone
- ☐ Commissary
- ☒ Other

Grievance board

Print Request Here (completed by inmate)

Would you please answer my Grievance # KGG-1431 that I filed my 2nd level to on 9/26/18. Your 10 day time limit (Per your own handbook rules) is up and I need to finish the grievance process.

Thank you.

Action Taken

Never answered

Signature of Officer Taking Action	Date Action Taken	Time

INMATE REQUEST FORM—GENERAL		DENTON COUNTY JAIL	
INMATE'S NAME <i>Phillip Ashdown</i>	SO # <i>48934</i>	TIME/DATE <i>7/19/18</i>	LOCATION <i>Pod #1</i>

Service Request (check below)	Print Request Here (completed by inmate)
<input type="checkbox"/> Classification	<i>I don't know where your getting your information regarding "Photos were taken of my Tubes while I was being removed from pod # 11" but that is NOT TRUE because I got wheeled out of pod # 11 with my tubes in my mattress covers on my lap, so please would you get a camera and come take some evidentiary photos of my broken tubes for evidence records Pursuant to U.S. Const Amend 14th. Thank you.</i>
<input type="checkbox"/> Counselor/Programs	
<input type="checkbox"/> Education Coordinator	
<input type="checkbox"/> Jail Shift Supervisor	
<input type="checkbox"/> Law Library	
<input type="checkbox"/> Medical	
<input type="checkbox"/> Religious Services	
<input type="checkbox"/> Property	
<input type="checkbox"/> Inmate Phone	
<input type="checkbox"/> Commissary	
<input checked="" type="checkbox"/> Other <i>Sgt W. Graham</i>	

Action Taken
<i>Denied. As stated before, photographs have already been taken. The photographs were taken on 7/17/18, by CPL. J. Emery, and attached to a jail incident report.</i>
<i>False!!</i>

Signature of Officer Taking Action <i>[Signature]</i>	Date Action Taken <i>7/19/18</i>	Time <i>2125 Hours</i>
--	-------------------------------------	---------------------------

INMATE REQUEST FORM—GENERAL		DENTON COUNTY JAIL	
INMATE'S NAME <i>Philly Ashdown</i>	SO # <i>48934</i>	TIME/DATE <i>7-18-18</i>	LOCATION <i>Pod #1</i>

Service Request (check below)	Print Request Here (completed by inmate)
<input type="checkbox"/> Classification	<p><i>I am being denied my rights to extraordinary security (photos) and proper replacement of my personal medical device that was damaged by D.C.S.O. staff due to reckless and improper handling by both Sgt Gourley, Corporal Ray and now Corporal Shultz. I am requesting that you please have someone come to pod #1 w/a camera and take pictures of my damaged tubes for use of subpoena later.</i></p> <p><i>Thank you.</i></p> <p><i>PHOTOGRAPHS WERE TAKEN WHEN YOU WERE REMOVED FROM THE POD.</i></p> <p><i>false!!</i></p>
<input type="checkbox"/> Counselor/Programs	
<input type="checkbox"/> Education Coordinator	
<input type="checkbox"/> Jail Shift Supervisor	
<input type="checkbox"/> Law Library	
<input type="checkbox"/> Medical	
<input type="checkbox"/> Religious Services	
<input type="checkbox"/> Property	
<input type="checkbox"/> Inmate Phone	
<input type="checkbox"/> Commissary	
<input checked="" type="checkbox"/> Other <i>Sgt W. Graham</i>	
Action Taken	

Signature of Officer Taking Action <i>[Signature]</i>	Date Action Taken <i>7/19/18</i>	Time <i>1455 hours</i>
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(81)

*Deliberate
Indifference*

Case Precedence

Exhibit #6
(82)

8th & 14th amendment

Serious Medical NeedFarmer V. Brennan 114 S.Ct 1970

" Serious medical need is defined as a condition that is interfering with a persons activity of daily living that is chronic and painful and acute and continually requires medically & effectively to be treated by medical help and medication

Scalia V. County of Kern 2018 WL 1726616

" The test for determining deliberate indifference of a jail or prison official to a pre-trial detainee's or prisoner's serious medical needs, in violation of the 8th or 14th amendment, is in 2 parts: 1st, a plaintiff must show a Serious medical Need (Neurological disability resulting in Chronic & acute uncontrollable spastic shaking treated by Flexeril) by demonstrating that failure to treat a prisoner's condition could result in further significant injury if left untreated, or the ~~unwarranted~~ unnecessary and wanton infliction of Pain, and 2nd must show that the defendants response to the need was deliberately indifferent

Infliction of Unnecessary suffering
Estelle v. Gamble 975. Ct 285

"Infliction of unnecessary suffering on prisoners or pre-trial detainees by failure to treat his medical needs is inconsistent with contemporary standards of decency and violates the 8th & 14th Amendments"

Farmer v. Brennan 1145. Ct 1970

Bregg v. Georgia supra at 173 965 Ct at 2925

"We therefore conclude that deliberate indifference to serious medical needs of prisoners constitutes the "Unnecessary and Wanton infliction of pain proscribed by the 8th Amendment"

This is true whether the indifference is manifested by jail or prison doctors in their ineffective response to the prisoner's needs, or by jail or prison staff in intentionally denying or delaying access to EFFECTIVE medical care, or intentionally interfering with the treatment previously (once) prescribed; Regardless of how evidenced, deliberate indifference to a prisoner's serious illness or injury states a cause of action under 42 USC § 1983.

Failure to treat

Estelle v. Gamble 975.C.285

"Infliction of unnecessary suffering on prisoner or pre-trial detainee by FAILURE TO EFFECTIVELY treat his medical needs is inconsistent with contemporary standards of decency and violates the 8th Amendment"

Failure to provide previously prescribed medication

White v. Napoleon 897 F.2d 103

"an 8th Amendment claim does exist when a doctor arbitrarily and maliciously and recklessly interferes with effective modalities of treatment previously prescribed by other physicians including specialists, even though these modalities of treatment have proven to be satisfactory in alleviating and treating a serious condition or serious medical need effectively especially when patient states that doctors "alternative treatment" is not at all effective and is resulting in unnecessary and/or infliction of pain due to doctors Deliberate indifference to Patients Serious medical need."

Excessive Force
Case Law Precedence

Exhibit #7

(86)

Excessive Force

Farmer v. Brennan 1145.Ct 1970

"Under 8th amendment, jail/prison officials may not use excessive physical force against prisoners or pre-trial detainees and are required to provide humane conditions of confinement, ensuring that inmates receive adequate food, clothing, shelter, and medical care, and must take reasonable measures to guarantee safety of inmates"

"Prison/jail officials' Deliberate Indifference" to substantial risk of SERIOUS HARM to an inmate Violates Eighth Amendment"

"A jail or prison official may be held liable under the 8th amendment for acting with 'deliberate indifference' to inmate health or safety if he knows that inmate faces a substantial risk of SERIOUS HARM, and disregards that risk by failing to take reasonable measures to abate it"

"To violate the cruel and unusual

punishments clause, a jail or prison official must have a "sufficiently culpable state of mind" (11 S.Ct at 2326).

Hudson v. McMillian 503 U.S. at 6, 112 S.Ct at 998
 "An 8th amendment claim exists when it is shown that jail/prison officials applied force "Maliciously" for the very purpose of causing harm and knew that harm would occur" or as the court also *836 put it, that officials used force with "a knowing willingness that harm occur" (id at 7, 112 S.Ct at 999)

Springfield v. Kibbe 1075.Ct 1114
 "It is indeed, fair to say that acting or failing to act with deliberate indifference to a substantial risk of serious harm to a prisoner/detainee is the equivalent of recklessly disregarding that risk."

with long.

Excessive Force

level
Basic, intermediate
advanced.

40TAC 705.1003 How is physical abuse defined.

- (2) Physical abuse is defined as any knowing, reckless, or intentional act of or failure to act, including unreasonable confinement, corporal punishment, inappropriate or excessive force, which caused physical injury, death, or emotional harm.

Excessive Force is proven by:

- ① City of San Antonio V. Dunn 796 S.W. 2d 258
Significant injury resulting directly and only from the use of force, ~~excessive to the need~~; an excessive use of force was objectively unreasonable

also. Temporary loss of use is sufficient to establish "significant injury" element of an excessive force claim.

- ② 4th Amendment standard of objective reasonableness must be used 1095 Ct. App. 104 L. Ed. 2d at 450 "Can only use enough force to get a person under custody and restraint... The amount of force used had

not been warranted, especially since ④ detention officers were present and easily could have subdued my arms and had complete control over me while I was still in my wheelchair. ② evidence was also sufficient to show that defendants knew that their mistreatment of me was unlawful.

(*Ryser v. State* 453 S.W.3d 17)

③ Use of Excessive force or deadly force to seize a disabled amputee is a violation of the persons constitutional rights unless the officer had True probable cause to believe that the detainee posed a threat of serious physical harm. (U.S.C.A. Const amendment 4) (*Escobar v. Harris County* 442 S.W.3d 621) It is a matter of objective reasonableness, not subjective belief.

★★ ④ officers may only use the amount of force that is necessary to effect the purpose of the stop/control or to overcome force used against the officer (*Hereford v. State* 339 S.W.3d 111)
See also *Tx Dept of Public Safety v. Petta*
"Taking care that the force used is commensurate with the necessity"

30,000 for humiliation
13,000 for deliberate indifference to serious medical needs - \$113,000

- ⑤ The evidence is sufficient that the injury was significant, as was due solely to Alonso's objectively unreasonable use of excessive force.
- ⑥ Pursuant to Black v. State 96 TX Crim 56 "one upon whom an officer made an unprovoked attack had a right to fight back in defense of oneself."
- ⑦ County employees were aware of facts from which an inference of an excessive risk to the prisoner's safety could be drawn, and that the employee actually drew an inference that such potential for harm existed, and that county employees acted with subjective deliberate indifference and that the County can be held liable for this episodic act or omission either by proof of failure to train or supervise or by intentional or malicious deliberate indifference to a serious medical need. (Rocha v. Potter County 419 S.W.3d 371)

Exhibit #8

official
oppression

Statutory Law § 39.03
(STATE)
‡

FEDERAL OPPRESSION.
STATUTORY LAW.

26 U.S.C.A. § 7214

Exhibit #8
(92)

Official Oppression

§ 39.03

(2) a public servant acting under color of his/her office or employment commits an offense if he:

(1) Intentionally subjects another to mistreatment that he knows is unlawful

(2) Intentionally subjects another to denial or impediment of the exercise or enjoyment of any right, privilege, power, knowing his/her conduct is unlawful

- CLASS A MISDEMEANOR -

Criminal Charge
(STATE)

Official Appellate No. 3703
Class A misdemeanor

§ 37.09 Tampering w/ physical evidence

To Kill Summary Judgement.

City of Harlingen v. Vega 951 S.W.2d 25,
Police officers failed to establish, as a
matter of Law, that they acted in
objectively reasonable manner
when arresting civil rights
claimant, as required for entitlement
to qualified immunity from § 1983
claim involving use of excessive
force in connection w/ arrest.
Officers made conclusory state-
ments that they had applied only
minimal and necessary force,
while claimant gave detailed account
of arrest, alleging conduct which
would be objectively unreasonable
if True. (Const amend 4th, 5th, 14th)

TX Constitution Art 1 § 9

Seizure can't be unlawful
Art 1.06 TX Crim Pro Art 1.06.

TX Const art 1 § 9

deprivation of privileges shall not
be done to a citizen except by due
course of the law of the land.
(94)

Exhibit #9

Culpable
Mental
State

Case Law &
Statutory Law

Exhibit #9
95

TX Penal Code § 6.03 Definitions of culpable mental states

(D) "A Person acts w/ criminal negligence, or is criminally negligent, with respect to circumstances surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actors standpoint"

Intentional Conduct

(2) "A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result"

17X Penal Code 6.01

Voluntary act or Omission

(a) "a person commits an offense only if he voluntarily engages in conduct, including an act, an omission, or possession"

(B) "Possession is a voluntary act if the possessor knowingly obtains or receives the thing possessed or is aware of his control of the thing for a sufficient time to permit him to terminate his control"

(c) "a person who omits to perform an act does not commit an offense unless a law as defined by Section 1.07 provides that the omission is an offense or otherwise provides that he has a duty to perform the act"

Exhibit #10

Government & Municipality

Liability

Case

Law

Exhibit #10

(98)

Governmental Liability

(A) Brayoria County v. Radtke 566 S.W.2d 326
 "County was liable in damages for injuries or death proximately caused by negligent acts of deputy sheriff/employees of County under Tort Claims Act on theory that Sheriff is officer of governmental unit who has legal right to control tasks of his employee, even though county itself has no right to control actions of deputy sheriff."

(B) Cameron County v. Ortega 291 S.W.3d 495
 "Negligence claim against county asserting that Sheriff's officer breached 'duty of care' when they applied excessive force arises out of same set of facts pleaded for plaintiffs claim of bodily injury and offensive contact which were elements of assault, battery, or any other intentional tort, and, thus fit within exception in Tort Claims Act causing County & officers to lose their protection due to violations of plaintiffs constitutional rights," thus waiving sovereign immunity
 (See also Lytle v. Bexar County 543 F. Supp. 2d 63

Government Liability

- ④ Downey V. Denton County, Texas 119 F.3d 381
 "County was found negligent in failing to prevent the assault in violation of 8th and 14th constitutional amendments"
- ⑤ "Claim under T. T. C. A. does arise both
 ① out of assailant's intentional tort and
 ② from co-workers (co-defendants) negligence and
 ③ co-employee (co-defendants) negligence was cause in fact also of assault and assault was foreseeable"
- ⑥ V.T.C.A. Civil Practice and Remedies code § 101.057(2)
 "County was liable to jail inmate under T.T.C.A. for assault committed in jail by County employee because assault was possible because of ① assailant's intentional tort and co-employees - co-defendants negligence and failure to stop assault and failure to prevent assault."
- ⑦ Rhenark V Shaw 477 F.Supp 897 (1979)
 "County itself may be liable for such actions and constitutional violations by its employees if execution of county government policy or custom inflicts the injury"

Government Liability

- ② Graham v. Connor 490 U.S. 386, 395 (1989)
 "TO overcome the defense of qualified immunity, Plaintiff must show ① an injury ② that resulted from the use of force that was clearly excessive to the need, and ③ the expressiveness of which was objectively unreasonable"
See also Rockwell V. Brown 664 F. 3d 985 (2001)

"This resulted as well from Improper training on the use of Force continuum, and use of force options available to an officer", especially since plaintiff was in a wheelchair

- ④ Tarver V. City of Edna 410 F. 3d 745, 750 (2005)
 "Found that defendants' official conduct violated clearly established statutory or/and constitutional rights (of which a reasonable person would have known and whether the allegedly violated constitutional rights were clearly established at the time of the incident) and if so whether the conduct of the defendants was objectively unreasonable in light of that then clearly established law

Government Liability

"Clearly established" means that the contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing (ripping a bi-lateral newly amputated disabled person from a wheel chair and slamming them face down on the floor) violates that 8th & 14th Amendment right to be free of excessive force and cruel and unusual punishment. (See Anderson 483 U.S. at 640, and Mully 475 U.S. at 344)

"The Supreme Court has stated that All but the plainly incompetent or those who knowingly violate the law are protected by qualified immunity"

- (I) Thompson v. Upshur County TX 245 F.3d 447
 "all victim/plaintiff has to do is he must have it determined that ~~has~~ had an alleged violation of clearly established Federal constitutional or federal statutory right against him by defendants, if so court must then assess whether defendants conduct was objectively reasonable in light of clearly established law which a reasonable person would

have known" (See *Malley v. Briggs* 475
U.S. ...)

Municipalities

Monell v. Dept of social services of N.Y.
436 U.S. 658, 98 S.Ct 2018.

Deliberate Indifference
Estelle v. Gamble 429 U.S. 97 S.Ct 285

42 U.S.C. § 1983
28 U.S.C. § 1915(b)(2)

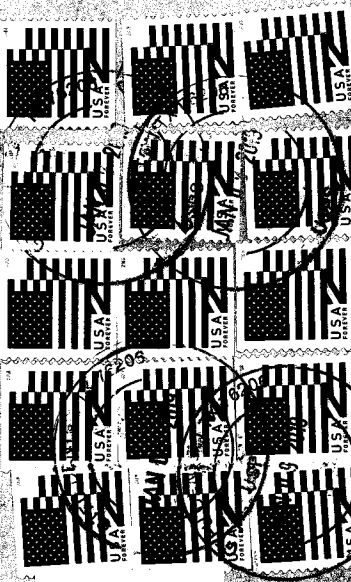
Phillip B. Babbow
Denton Co. Jail
127 N. Woodrow Ln.
Denton, TX 76205



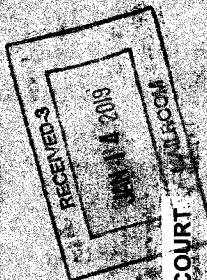
1022

75242-1310

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DENTON COUNTY JAIL
INMATE MAIL



UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK
NORTHERN DISTRICT OF TEXAS
1100 COMMERCE - ROOM 1452
DALLAS, TX 75242-1485



EXPECTED DELIVERY DAY: 01/10/19

USPS TRACKING NUMBER



9505 5108 7326 9009 3193 89



New
Case